

DECLARATION AND POWER OF ATTORNEY
(Continuation-In-Part Application)

As below named inventors, we declare that the information given herein is true, that we believe that we are the original, first and sole inventors (if only one name is listed below), or a joint inventor (if plural inventors are named below), of the invention entitled:

BIOLOGICALLY ACTIVE BACTERICIDAL/PERMEABILITY-INCREASING PROTEIN FRAGMENTS

which is described and claimed in:

— the attached specification or
X the specification in application
Serial No. 228,035
Filed: August 5, 1988
(for Declaration not accompanying application)

that this application in part discloses and claims subject matter disclosed in earlier-filed application(s)

Serial No 084,335
Filed: August 6, 1987
For: BIOLOGICALLY ACTIVE BACTERICIDAL/PERMEABILITY-
INCREASING PROTEIN FRAGMENTS

that I claim the benefit under 37 USC §120 of said earlier-filed applications(s); that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with 37 C.F.R. §1.56(a), including such material information which occurred between the filing date of said earlier application and the filing date of the present application; that I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to herein; that, as to the subject matter of this application which is common to said earlier application I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to said earlier application or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and that no application for patent or inventor's certificate on said invention has been filed by me or my legal representatives or assigns in any country foreign to the United States of America except, as follows:

ALL FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS
PRIOR TO THE FILING DATE OF THE EARLIER APPLICATION

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>	PRIORITY CLAIMED UNDER	
			<u>35 U.S.C. 119</u>	
			Yes	No

ALL FOREIGN APPLICATIONS, IF ANY, FILE MORE THAN 12 MONTHS
PRIOR TO THE FILING DATE OF THE EARLIER APPLICATION

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>	PRIORITY CLAIMED UNDER	
			<u>35 U.S.C. 119</u>	
			Yes	No

that, as to the subject matter of the present application which is not common to said earlier application I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in a printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of the present application, and that said matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; and that no application for patent or inventor's certificate on said matter has been filed by me or my legal representatives or assigns in any country foreign to the United States of America except as follows:

ALL FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS
PRIOR TO THE FILING DATE OF THIS APPLICATION

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>	PRIORITY CLAIMED UNDER	
			<u>35 U.S.C. 119</u>	
			Yes	No

ALL FOREIGN APPLICATIONS, IF ANY, FILE MORE THAN 12 MONTHS
PRIOR TO THE FILING DATE OF THIS APPLICATION

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>	PRIORITY CLAIMED UNDER	
			<u>35 U.S.C. 119</u>	
			Yes	No

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith.
Morris Relson #15,108, Gordon D. Coplein #19,165, William F. Dudine, Jr. #20,569, Michael J. Sweedler #19,937.

S. Peter Ludwig #25,351, Maxim H. Waidbaum #26,244, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Borwitz #27,646, Beverly B. Goodwin #28,417, Adda C. Gogoris #29,714 and Howard M. Frankfort #32,613

all of the firm of DARBY & DARBY P.C., 405 Lexington Ave., New York, NY 10174

SEND CORRESPONDENCE TO:
DARBY & DARBY P.C.
405 Lexington Ave.
New York, NY 10174

DIRECT TELEPHONE CALLS TO:
Howard M. Frankfort
(212) 697-7660

IDENTIFICATION OF INVENTOR 1

LAST NAME: ELSBACH FIRST NAME: PETER MIDDLE NAME:
RESIDENCE: CITY: NEW YORK STATE OR FOREIGN COUNTRY: NEW YORK COUNTRY OF CITIZENSHIP: USA
POST OFFICE ADDRESS: 440 EAST 23RD STREET CITY: NEW YORK STATE OR COUNTRY: NEW YORK ZIP CODE: 10010

IDENTIFICATION OF INVENTOR 2

LAST NAME: WEISS FIRST NAME: JERROLD MIDDLE NAME:
RESIDENCE: CITY: NEW YORK STATE OR FOREIGN COUNTRY: NEW YORK COUNTRY OF CITIZENSHIP: USA
POST OFFICE ADDRESS: 283 AVENUE C CITY: NEW YORK STATE OR COUNTRY: NEW YORK ZIP CODE: 10009

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1:

Peter Elsbach
PETER ELSBACH

DATED:

10/6/88

SIGNATURE OF INVENTOR 2:

Jerrold Weiss
JERROLD WEISS

DATED:

9/20/88

(C)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: PETER ELSBACH and JERROLD WEISS

Serial No. : 08/007,837 Group Art Unit: 1813

Filed : January 22, 1993 Examiner: H. Sidberry

For : DNA ENCODING BACTERICIDAL/PERMEABILITY-INCREASING
PROTEINS

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

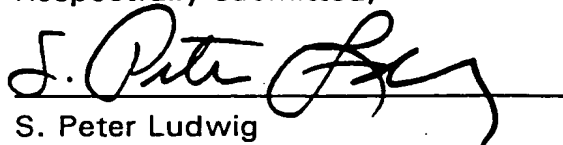
ASSOCIATE POWER OF ATTORNEY

Sir:

Please recognize Michael F. Borun, Esq., of Marshall, O'Toole, Gerstein,
Murray & Borun, 6300 Sears Tower, 233 South Wacker Drive, Chicago, Illinois,
60606, telephone number 312-474-6300, Reg. No. 25,447 as my Associate
Attorneys in the above-identified patent application.

Please address all future communications to Michael F. Borun, Esq. at the
above-noted address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Peter Ludwig", written over a horizontal line.

S. Peter Ludwig
Reg. No. 25,351
Attorney for Applicant(s)

DARBY & DARBY P.C.
805 Third Avenue
New York, New York 10022
212-527-7700